

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

WARREN EDWIN EASOM,

Petitioner,

v.

JOSHUA HIGHBERGER,

Respondent.

HERNANDEZ, District Judge.

Case No. 6:23-cv-01257-HZ

ORDER

On October 29, 2023, the Court dismissed this 28 U.S.C. § 2254 habeas corpus case for lack of exhaustion. The dismissal was without prejudice to Petitioner's right to refile this action once he exhausts his state court remedies.

On October 20, 2023, Petitioner filed a Motion to Vacate State Court Judgment (#22) and Motion to Dismiss Accusatory Instrument (#24). These Motions are denied for the reasons previously identified in the Court's Order to Dismiss (#20).

On November 6, 2023, Petitioner filed a document entitled "Motion for Judicial Notice" (#25) which is tantamount to a request for reconsideration. On November 15, 2023, he filed another Motion (#28) seeking reconsideration of the Court's decision in this case. Petitioner once

again takes issue with the Oregon Court of Appeals' decision to extend the briefing deadlines in his case.

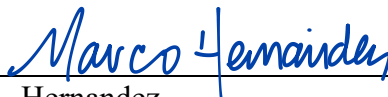
Motions for reconsideration are not substitutes for appeal and, instead, should be utilized only in highly unusual circumstances that involve newly discovered evidence, clear error, or a change in controlling law. *Nunes v. Ashcroft*, 375 F.3d 805, 807-08 (9th Cir. 2004). As the Court previously explained to Petitioner in its Order to Dismiss, the Oregon Court of Appeals' decision to extend briefing deadlines in his case does not excuse the exhaustion requirement. Petitioner has not otherwise presented any evidence or information to justify relief from the Court's Judgment. Accordingly, his Motion for Judicial Notice (#25) and Motion for Reconsideration (#28) are therefore denied.

### **CONCLUSION**

Petitioner's Motion to Vacate State Court Judgment (#22), Motion to Dismiss Accusatory Instrument (#24), Motion for Judicial Notice (#25), and Motion for Reconsideration (#28) are denied. The Court will not entertain any further motions for reconsideration.

IT IS SO ORDERED.

November 15, 2023  
DATE

  
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Marco A. Hernandez  
United States District Judge